

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CITY OF GRASS VALLEY,

Plaintiff,

v.

NEWMONT MINING CORPORATION, et al.,

Defendants.

2:04-cv-149-GEB-DAD

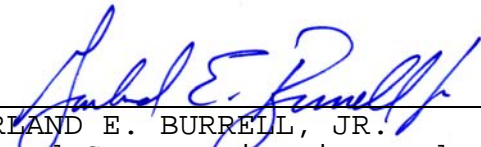
ORDER

Defendants Newmont Mining Corporation, Newmont USA Limited, Newmont North America Exploration Limited, Newmont Gold Company, Newmont North America Limited, and Newmont Exploration Limited ("Original Defendants") request the filing dates and hearing date for the pending cross motions for summary judgment be vacated and an emergency status conference scheduled at the earliest possible date. (Defs.' Req. at 1.) Original Defendants assert this is necessary to preserve the rights of New Verde Mines LLC, Newmont North America LLC, Newmont International Services Limited, Newmont Realty Company, and Newmont Capital Limited ("New Defendants") who have now been added to Plaintiff's Complaint, but have not yet been served. (Id. at 2.)

1 These dates were scheduled based on what the Court
2 understood to be Original Defendants' counsel's position at the
3 hearing held on April 30, 2007, that if Plaintiff's Motion to Amend
4 were granted, New Defendants would be represented by the same counsel
5 and that counsel would only need time to "restyle" the pending summary
6 judgment motion to include New Defendants. As a result, the Order
7 issued on May 10, 2007 prescribed filing dates and a hearing date for
8 these "restyled" motions.¹ (Order, May 10, 2007, at 9.)
9 Nevertheless, Original Defendants' request to vacate the new filing
10 dates for the "restyled" pending summary judgment motions is granted.
11 An emergency status conference is scheduled to commence at 10:00 a.m.
12 on May 16, 2007. Whether the hearing date of June 11, 2007, for the
13 pending summary judgment motions should be vacated will be discussed
14 at the status conference.

15 IT IS SO ORDERED.

16 Dated: May 15, 2007

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GARLAND E. BURRELL, JR.
United States District Judge

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27 ¹ The summary judgment motions are fully briefed and filed with
28 regards to the Original Defendants. The new filing dates established by
the May 10 Order were to give the parties time to "restyle" the motions
to include the New Defendants in order to avoid duplicate motions filed
by the New Defendants at a later date.